

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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CAROLYN COLE, MOLLY  
HENNESSY-FISKE,

Case No. 21-CV-1282 (PJS/JFD)

Plaintiff,

**AMENDED PRETRIAL  
SCHEDULING  
ORDER**

v.

JOHN DOES 1-18, *acting in their individual capacities as troopers or other sworn officers of the Minnesota State Patrol*, JOSEPH DWYER *acting in his individual capacity as Captain of the Minnesota State Patrol*, TIMOTHY SALTO *acting in his individual capacity as a Lieutenant of the Minnesota State Patrol*,

Defendants.

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This matter is before the Court on the parties' Stipulation to Amend Pretrial Scheduling Order (Dkt. No. 51). Having reviewed the Stipulation and having found that the parties have established the requisite good cause, **IT IS ORDERED** that the Stipulation is **APPROVED IN PART**. The Court enters the following Amended Scheduling Order. Dates and deadlines not amended herein remain in effect.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. This order may be modified

only upon a showing of good cause as required by Federal Rule of Civil Procedure 16(b)(4) and Local Rule 16.3.

### **FACT DISCOVERY: DEADLINES AND LIMITATIONS**

1. Fact discovery shall be commenced in time to be completed on or before **January 2, 2023.**

### **EXPERT DISCOVERY: DEADLINES AND LIMITATIONS**

1. Initial experts.
  - i. Identification by Plaintiffs on or before **January 16, 2023.** Rule 26(a)(2)(B) and 26(a)(2)(C) disclosures by Plaintiff on or before **January 16, 2023.**
  - ii. Identification by Defendants on or before **March 13, 2023.** Rule 26(a)(2)(B) and 26(a)(2)(C) disclosures by Defendants on or before **March 13, 2023.**
2. Rebuttal experts.
  - i. The identity of any experts who may testify in rebuttal to any initial expert must be disclosed on or before **April 3, 2023.**
  - ii. Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before **April 3, 2023.**
3. Each side may take one deposition per expert. Expert discovery, including depositions, shall be completed by **April 14, 2023.**

### **DEADLINES FOR FILING MOTIONS**

1. Non-dispositive motions and supporting documents which relate to fact discovery or related matters shall be filed and served on or before **January 16, 2023.**
2. Non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **May 5, 2023.**

**NON-DISPOSITIVE MOTIONS: GUIDELINES**

When possible, the parties should bring discovery disputes to the Court using the Court's process for informal dispute resolution (IDR). One or both parties can contact the Court via phone or email to set a prompt (usually within 2-3 business days) telephone conference to discuss the issues. Two days before the hearing, the parties shall email (not file) the Court either a joint letter setting forth their respective positions or separate letters. If the parties submit separate letters, they must serve a copy on the opposing side unless they have received prior permission from the Court to submit the letters ex parte. Letters should be concise and focus on narrowing the issue in dispute as much as possible. Both sides must agree to use the informal process to resolve discovery disputes. If either side objects to using this process, a formal motion must be filed.

If formal non-dispositive motions are filed, they must comply with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, and be in the form prescribed by Local Rule 37.2. **Judge Docherty prefers not to receive courtesy copies, unless the motions contain or refer to documents that are not filed on ECF, in which case those documents should be emailed to Docherty\_chambers@mnd.uscourts.gov.** All non-dispositive motions shall be scheduled for hearing by calling the Judicial Assistant to Magistrate Judge Docherty, at 651-848-1180, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion. Counsel are advised not to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so.

A “meet and confer” requirement applies to IDR and formal motion practice. Parties must attempt to confer through personal contact (during the COVID pandemic, “personal contact” means by telephone), rather than solely through written correspondence or email. Whether parties raise non-dispositive disputes informally or through traditional motions, the parties must engage in a focused meet and confer process in a sincere effort to resolve or narrow the disagreement.

### **DISPOSITIVE MOTIONS: GUIDELINES AND DEADLINES**

All dispositive motions (notice of motion, motion, memorandum of law, affidavits and proposed order) shall be served, filed and heard on or before **June 14, 2023**.

Counsel for the moving party shall call Judge Schiltz’s Courtroom Deputy at 612-664-5483 to schedule the hearing. Parties are reminded that the scheduling of a dispositive motion requires considerable advance notice (typically three to four months). Parties should attempt to schedule all dispositive motions for the same hearing and should strive to avoid duplication in their briefing.

All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response or reply brief is filed on ECF, two paper courtesy copies (three-hole punched and unstapled, and if warranted, exhibits appropriately tabbed) of the pleading and all supporting documents shall be mailed or delivered to the Courtroom Deputy at the same time as the documents are posted on ECF.

When scheduling a summary judgment hearing, the parties must notify the Court whether there will be cross-motions for summary judgment so that the Court may enter an

appropriate briefing order. The parties should confer about the possibility of cross-motions before contacting chambers to schedule a summary judgment hearing.

**TRIAL**

This case shall be ready for a **jury** trial on **October 16, 2023**. The anticipated length of trial is **10** days.

Date: August 8, 2022

*s/ John F. Docherty*  
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JOHN F. DOCHERTY  
United States Magistrate Judge